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EXAMINER

JOHNSON, GREGORY L

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/711,407	Applicant(s) TUCKER, SCOTT A.	
	Examiner GREGORY JOHNSON	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the amendment filed February 23, 2009.

Status of Claims

2. Claims 1, 11, 17, 22, 28 and 30 have been amended. Claims 2-10, 12-16, 18-21, 23-27, 29 and 31-34 are original. Claim 35 is new. Claims 1-35 are pending.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 11, 17 and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 11 and 18 of copending Application No. 10/905,128. Although the conflicting claims are not identical,

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they are not patentably distinct from each other because the limitations of claims 1, 11, 17 and 22 of the instant application are contained within the limitations of claims 1, 11 and 18 of the copending Application No. 10/905,128.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Objections

5. Claim 30 was previously objected to; however, Applicant's amendment is sufficient to have the objection withdrawn.

6. Claim 22 is objected to because of the following informalities: Claim 22 recites "A computer-readable medium comprising a combination of code segments **executable** by a processor...." The term "executable" is analogous with terms such as able, capable, etc. The claim should recite in a positive form that the code segments are actually being executed. For example, "A computer-readable medium comprising a combination of code segments **executed** by a processor...." The body of the claim also uses non-positive language with the term "operable." Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 23-27 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23-27 recites the limitation "The computer program set forth in claim 22..." There is insufficient antecedent basis for "computer program" within the claims. Claim 22 no longer recites a computer program. Appropriate correction is required.

Regarding claim 35, the phrase "connecting the customer to computing equipment" renders the claim as being unclear. The Examiner believes that Applicant is not referring to physically connecting the consumer to a piece of computing equipment. For examination purposes, the Examiner will interpret the phrase (broadly) as the consumer uses computing equipment. Appropriate correction is required.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful **process, machine, manufacture, or composition of matter**, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 22-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In view of Applicants amendments, the rejections are withdrawn.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 1-7, 9-13, 15-16, 22-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foss, JR. et al., Pub. No. 2004/0225604 (hereinafter Foss), in view of Stump et al., 2006/0026093 (hereinafter Stump).

As to claim 11, Foss discloses a method and system for short term loan (e.g. actually using overdraft protection funds; Abstract; ¶0003, ¶0033, ¶0038 and ¶0047) processing to be utilized by a lender, the method comprising the steps of:

- (a) establishing a loan account for a customer (¶0029-0030 and ¶0046-¶0049);
- (b) providing the customer access to the loan account through an ATM card (¶0030);

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- (c) receiving a loan request from the customer through a communications network (§§0047, §§0057, §§0065-0067 and Fig. 2);
- (f) approving the loan request immediately by utilizing computing equipment such that human involvement is not required to approve the loan request (§§0006, §§0033, §§0047, §§0065-0067 and Fig. 2);
- (g) depositing a loan amount immediately into the loan account utilizing the computing equipment such that human involvement is not required to deposit the loan amount into the loan account (§§0006, §§0030, §§0033, §§0065-0067, claim 12 and Fig. 2); and
- (h) automatically withdrawing the loan amount and a loan fee from the loan account by utilizing the computing equipment when additional funds are deposited into the loan account (§§0038 and §§0069-0071).

Foss does not explicitly disclose the following limitations:

- (d) communicating the terms of the loan to the customer; and
- (e) receiving confirmation of the customer's acceptance and understanding of the terms of the loan.

However, Stump teaches a system and method for providing financing over the internet. The system comprises (1) a user interface logic for receiving a request from a customer for financing, (2) logic to determine whether to grant the request for financing, (3) logic to generate, in response to the determining, a contract, the contract including a plurality of terms binding the customer to repay a loan, (4) logic to present,

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electronically, the contract to the customer; and (5) logic for receiving an acceptance of the contract from the customer (Abstract, ¶0007 and claims 12 and 29).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Stump within Foss for the motivation to provide a system and method that allows consumers to purchase items with a credit line without having to complete a lengthy credit application that may further reduce their credit score; in addition, a system that provides a consumer with a complete financing agreement in an electronic format before the consumer accepts an offer for financing (¶0001 and ¶0005).

The limitations of claims of claims 1 and 22 are equivalent to the limitations of claim 11, and are therefore rejected on the same grounds.

As to claims 2-7, 9-10, 12-13, 15-16, 23-25 and 27, Foss discloses the following limitations:

- wherein the loan request is received through a web site (¶0065);
- wherein the loan request is received by electronic mail (¶0065);
- wherein the loan request is received by telephone (¶0065);
- wherein the loan request is received through modes selected from the group consisting of: a web site; electronic mail; a telephone; and combinations thereof (¶0065);
- wherein the loan request is immediately approved by the computing equipment (¶0047);

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- wherein the loan amount is automatically withdrawn from the account by the computing equipment (§§0069 and §§0071);
- wherein the account is a pre-existing account established with the lender (e.g. account was established prior to a loan request; §§0046-0049);
- wherein the loan amount is deposited into the account such that the deposited loan amount is immediately accessible through an ATM card (§§0066-0067);
- wherein the additional funds correspond to a paycheck deposited on a pay day (e.g. direct deposit; §§0014);
- wherein the pay day is verified by the computing equipment such that the customer is not required to accurately determine the date of the pay day (§§0014); and
- wherein the additional funds correspond to a deposited paycheck (§§0011 and §§0014).

13. Claims 8, 14 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foss and Stump as applied to claims 1, 11 and 22 above, and further in view of Sinnott, Pub. No. 2004/0010419 (hereinafter Sinnott).

As to claims 8, 14 and 26, Foss does not disclose the following limitations:

- wherein the lender is an unconventional lender; and
- wherein the loan amount is provided by an unconventional lender.

However, Sinnott teaches a method and apparatus for facilitating acquisition of prospective payoff information on an existing loan account where the lender is an unconventional lender (e.g. private lender; ¶0065).

The disclosure by Foss recites that the method and system can be implemented in cooperation or in partnership with a bank or financial institution (¶0018). Foss also discloses that the basic card account type provides the customer with a branded card (i.e. Visa, Master Card, American Express, etc.; ¶0037). And Sinnott teaches that a loan servicer can be a bank, mortgage company, private lender, or company in the business of servicing loan accounts for a plurality of creditors. Therefore, It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the system for providing checkless checking accounts as disclosed by Foss, the variety of loan servicing entities (e.g. businesses extending credit such as a credit account) as taught by Sinnott, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept. 2007).

14. Claims 17-18, 20-21, 28-31 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foss, in view of Stump and Kriplani et al., Pat. No. 7,353,203 (hereinafter Kriplani).

As to claims 17 and 28, Foss discloses a method for short term loan (e.g. actually using overdraft protection funds; Abstract; ¶0003, ¶0033, ¶0038 and ¶0047) processing to be utilized by a lender, the method comprising the steps of:

- (b) receiving a loan request from the customer through a communications network (¶0047, ¶0057, ¶0065-0067 and Fig. 2);
- (c) approving the loan request immediately by utilizing computing equipment such that human involvement is not required to approve the loan request (¶0006, ¶0033, ¶0047, ¶0065-0067 and Fig. 2);
- (d) depositing a loan amount immediately into the loan account utilizing the computing equipment such that human involvement is not required to deposit the loan amount into the loan account (¶0006, ¶0033, ¶0065-0067, claim 12 and Fig. 2);
- (e) automatically withdrawing the loan amount and a loan fee from the primary account by utilizing the computing equipment when additional funds are deposited into the primary account (¶0069-0071);
- a connection element operable to connect the system to a communications network (¶0028 and ¶0065);
- an input device operable to receive a loan request through the communications network (¶0028, ¶0057, ¶0065 and Fig. 2);
- a processor operable to execute the combination of code segments and access the database to approve the loan request such that human involvement is not required to approve the loan request (e.g. access

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customer records to validate overdraft protection and amount of credit available; ¶0006, ¶0033, ¶0047, ¶0065-0067 and Fig. 2); and

- a transfer device operable to immediately deposit a loan amount into an account, accessible by the customer, and automatically withdraw the loan amount and a loan fee from the account when additional funds are deposited into the account (¶0006, ¶0033, ¶0038, ¶0065-0071, claim 12 and Fig. 2).

Foss does not explicitly disclose the following limitations; however, Kriplani teaches the limitations:

- (a) establishing a loan account for a customer by allowing the customer to provide a voided check corresponding to a primary account (col. 7, lines 3-19); and
- a computer-readable memory operable to store a combination of code segments (col. 6, lines 14-20) and a database of loan accounts (col. 6 line 66 thru col. 7 line 1).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Kriplani within Foss for the motivation of providing a system that automates funding, and collections between billers and payers (col. 4, lines 3-10).

Foss also does not explicitly disclose the following limitations:

- communicating the terms of the loan to the customer; and
- receiving confirmation of the customer's acceptance and understanding of the terms of the loan.

However, Stump teaches a system and method for providing financing over the internet. The system comprises (1) a user interface logic for receiving a request from a customer for financing, (2) logic to determine whether to grant the request for financing, (3) logic to generate, in response to the determining, a contract, the contract including a plurality of terms binding the customer to repay a loan, (4) logic to present, electronically, the contract to the customer; and (5) logic for receiving an acceptance of the contract from the customer (Abstract, ¶0007 and claims 12 and 29).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Stump within Foss for the motivation to provide a system and method that allows consumers to purchase items with a credit line without having to complete a lengthy credit application that may further reduce their credit score; in addition, a system that provides a consumer with a complete financing agreement in an electronic format before the consumer accepts an offer for financing (¶0001 and ¶0005).

As to claims 18, 20-21, 29-31 and 33-34, Foss discloses the following limitations:

- wherein the loan request is received through modes selected from the group consisting of: a web site; electronic mail; a telephone; and combinations thereof (¶0065)
- wherein the additional funds correspond to a deposited paycheck (¶0011 and ¶0014);
- wherein the deposited loan amount is immediately accessible by the customer through an ATM card (¶0066-0067);

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- wherein the input device includes a web- server operable to receive the loan request through the communications network (§0065);
- wherein the input device includes voice- recognition capabilities operable to receive the loan request by telephone (§0065);
- wherein the loan amount is deposited into the account such that the deposited loan amount is immediately accessible through an ATM card (§0066-0067);
- wherein the additional funds correspond to a deposited paycheck (§0011 and §0014); and
- wherein the account is a pre-existing account established with the lender (e.g. account was established prior to a loan request; §0046-0049).

15. Claims 19 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foss, Stump and Kriplani as applied to claims 17 and 28 above, and further in view of Sinnott.

As to claims 19 and 32, Foss does not disclose the following limitation:

- wherein the lender is an unconventional lender.

However, Sinnott teaches a method and apparatus for facilitating acquisition of prospective payoff information on an existing loan account where the lender is an unconventional lender (e.g. private lender; §0065).

The disclosure by Foss recites that the method and system can be implemented in cooperation or in partnership with a bank or financial institution (§0018). Foss also discloses that the basic card account type provides the customer with a branded card (i.e. Visa, Master Card, American Express, etc.; §0037). And Sinnott teaches that a loan servicer can be a bank, mortgage company, private lender, or company in the business of servicing loan accounts for a plurality of creditors. Therefore, It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include in the system for providing checkless checking accounts as disclosed by Foss, the variety of loan servicing entities (e.g. businesses extending credit such as a credit account) as taught by Sinnott, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in that art would have recognized that the results of the combination were predictable. See MPEP 2143 (Rev. 6, Sept. 2007).

16. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foss, in view of Stump and Greer et al., 2005/0044039 (hereinafter Greer).

As to claim 35, Foss discloses a method for short term loan processing to be utilized by a lender (e.g. actually using overdraft protection funds; Abstract; §0003, §0033, §0038 and §0047), the method comprising the steps of:

- (a) establishing a loan account for a customer (§0029-0030 and §0046-§0049);

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- (b) providing the customer access to the loan account through an ATM card (¶0030);
- (c) receiving a loan request from the customer through a communications network (¶0047, ¶0057, ¶0065-0067 and Fig. 2);
- (d) connecting the customer to computing equipment (¶0040-0041);
- (e) receiving a loan account identifier from the customer (¶0030, ¶0034-0036 and ¶0050);
- (f) receiving the customer's current banking and contact information (¶0030, ¶0034-0036 and ¶0050);
- (g) receiving a desired loan amount (¶0006, ¶0030, ¶0033 and ¶0065-0071);
- (k) approving the loan request immediately by utilizing computing equipment such that human involvement is not required to approve the loan request (¶0006, ¶0033, ¶0047 and Fig. 2);
- (l) depositing a loan amount immediately into the loan account utilizing the computing equipment such that human involvement is not required to deposit the loan amount into the loan account (¶0006, ¶0030, ¶0033, ¶0065-0067, claim 12 and Fig. 2); and
- (m) automatically withdrawing the loan amount and a loan fee from the primary account by utilizing the computing equipment when additional funds are deposited into the primary account (¶0038 and ¶0069-0071).

Foss does not explicitly disclose the following limitation:

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- (h) receiving the date of the customer's next pay and automatically verifying the date.

However, Greer teaches a system and method in which a merchant can extend credit to a customer by establishing an account which allows the account to be paid off, or significantly paid down, on or after the customer's next payday. Greer teaches that a customer database contains customer information for various customers who have entered into an agreement with the merchant. The agreement between the customer and the merchant, among other things, can set forth the terms of the relationship, including transaction fees, schedule payment dates, method of payment, etc. Greer also teaches the use of a customer payment schedule database that contains information regarding the date on which the customer normally receives his or her paycheck. Greer also teaches that when a customer wishes to charge an item to the account, such as, perhaps, when the customer is low on funds, the customer presents his/her card to the merchant system, and the merchant system, after reading such information from the card, the merchant system sends such information to a server system with a request that the service system access databases containing information about the customer, such as the customer's name, social security number, payment plan, pay dates, credit limit, amount of credit available, current amount owed, and other information databases that may be required and/or used by the merchant or required by government regulations (Abstract, ¶0011-0013 and ¶0029-0032).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Greer within Foss for the motivation to provide a method by which a customer can purchase basic

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needs items, such as medicine, food, fuel, etc., from a merchant, even in those times when the customer may not have funds to pay for those items, with the understanding that the merchant will be paid back on or after the customer's receipt of his or her next paycheck (§0009).

Foss also does not explicitly disclose the following limitations:

- (i) communicating the terms of the loan to the customer; and
- (j) receiving confirmation of the customer's acceptance and understanding of the terms of the loan.

However, Stump teaches a system and method for providing financing over the internet. The system comprises (1) a user interface logic for receiving a request from a customer for financing, (2) logic to determine whether to grant the request for financing, (3) logic to generate, in response to the determining, a contract, the contract including a plurality of terms binding the customer to repay a loan, (4) logic to present, electronically, the contract to the customer; and (5) logic for receiving an acceptance of the contract from the customer (Abstract, §0007 and claims 12 and 29).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as taught by Stump within Foss for the motivation to provide a system and method that allows consumers to purchase items with a credit line without having to complete a lengthy credit application that may further reduce their credit score; in addition, a system that provides a consumer with a complete financing agreement in an electronic format before the consumer accepts an offer for financing (§0001 and §0005).

Response to Arguments

17. Applicant's arguments filed February 23, 2009 have been fully considered but they are not persuasive.

(A) Applicant argues (pg. 17, 2nd ¶) that “Foss does not disclose, teach or suggest a system, method or a computer-readable medium with code segments for short term loan processing. Foss briefly discloses payday loan channels in ¶¶ 0040 and 0043. But Foss does not provide any details regarding the loan process.”

Response: Examiner disagrees with Applicant. Foss teaches a system and method for providing a checkless checking account in which **overdraft protection** is provided to consumers. Foss teaches that overdraft protection operates like a **line of credit**. If a customer writes a check that is too large to be covered by funds in the customer's account, the overdraft protection can be activated. This activation generally involves transferring funds into the account to cover the outstanding check, and charging a fee and/or interest to the customer (¶0006). A “line of credit” and “overdraft protection” are analogous with a loan and both are well know in the art in regards to borrowing funds for a short period of time. Therefore, Foss does disclose short term loan processing.

(B) Applicant argues (pg. 14, 2nd ¶) that “Foss does not disclose depositing a loan amount immediately into the loan account, as recited in claims 1, 11, and 22”

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Response: Examiner disagrees with Applicant. Foss teaches a system and method for providing a checkless checking account in which overdraft protection is provided to consumers. Foss teaches that overdraft protection operates like a line of credit. If a customer writes a check that is too large to be covered by funds in the customer's account, the **overdraft protection can be activated**. This activation generally involves **transferring funds into the account to cover the outstanding check**, and charging a fee and/or interest to the customer. A "line of credit" and "overdraft protection" are both analogous with a loan and commonly used in borrowing funds for a short period of time. Therefore, Foss does disclose depositing a loan amount immediately into the loan account.

(C) Applicant argues (pg. 18, 3rd ¶) that "Foss does not disclose communicating the terms of the loan to a customer, receiving confirmation of the customer's acceptance and understanding of the terms of the loan, and approving the loan request utilizing computing equipment such that human involvement is not required to approve the loan request, as recited in claims 1, 11, and 22."

Response: Foss discloses approving the loan request utilizing computing equipment such that human involvement is not required to approve the loan request (¶0006; via activation of overdraft protection). In regards to the newly added limitations (i.e., communicating the terms of the loan to a customer, receiving confirmation of the customer's acceptance and understanding of the terms of the loan) these are taught by Stump et al., Pub. No. 2006/0026093.

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(D) Applicant argues (pg. 19, 3rd ¶) that “Claim 17 recites steps of a method for short term loan processing that are similar to steps discussed above for claims 1 and 11. Thus, the same arguments apply for claim 17 as applied to claims 1 and 11. Likewise, Foss does not disclose system elements that perform the steps of the method claims. Specifically, Foss does not disclose an input device operable to receive a loan request through the communications network, a processor operable to utilize the connection element to communicate the terms of the loan to a customer and receive confirmation of the customer's understanding and acceptance of the terms of the loan, and to execute the combination of code segments and access the database to approve the loan request such that human involvement is not required to approve the loan request, and a transfer device operable to immediately deposit a loan amount into an account, accessible by the customer, and automatically withdraw the loan amount and a loan fee from the account when additional funds are deposited into the account, as recited in claim 28.”

Response:

Foss discloses:

- system elements that perform the steps of the method claims (¶0033 and Fig. 2; via the data collection component, the decision engine, the account creation component, the account management component and the transactional processing component);

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- an input device operable to receive a loan request through the communications network (§0057 and Fig. 2; via transactional processing component);
- execute the combination of code segments and access the database (e.g. aggregated data) to approve the loan request such that human involvement is not required to approve the loan request (§0006, §0033 and Fig. 2; via activation of overdraft protection);
- a transfer device operable to immediately deposit a loan amount into an account, accessible by the customer (§0006, §0033, §0065-0067, claim 12 and Fig. 2; via activation of overdraft protection and transaction processing component); and
- automatically withdraw the loan amount and a loan fee from the account when additional funds are deposited into the account, as recited in claim 28 (§0069-0071; via funds deposited to account are first used to balance out the account to a zero value).

Stump teaches:

- a processor operable to utilize the connection element to communicate the terms of the loan to a customer and receive confirmation of the customer's understanding and acceptance of the terms of the loan (Abstract, §0007 and claims 12 and 29; via a computer comprising a processor, (1) a user interface logic for receiving a request from a customer for financing, (2) logic to determine whether to grant the request for financing, (3) logic to generate, in response to the

determining, a contract, the contract including a plurality of terms binding the customer to repay a loan, (4) logic to present, electronically, the contract to the customer; and (5) logic for receiving an acceptance of the contract from the customer).

(E) Applicant argues (pg. 20, 1st ¶) that “Kriplani does not disclose a method or system for short term loan processing, as claimed in the current invention.”

Response: This limitation is disclosed by Foss. See response to (A) above.

(F) Applicant argues (pg. 20, 2nd ¶) that “Specifically, the combination of Foss and Kriplani would not disclose, teach, or suggest receiving a loan request from the customer through a communications network, communicating the terms of the loan to the customer, receiving confirmation of the customer's acceptance and understanding of the terms of the loan, approving the loan request immediately by utilizing computing equipment such that human involvement is not required to approve the loan request, and depositing a loan amount immediately into the loan account utilizing the computing equipment such that human involvement is not required to deposit the loan amount into the loan account, as recited in claim 17.”

Response: See response to (D) above.

(G) Applicant argues (pg. 20, 2nd ¶) that “In addition, Foss and Kriplani would not disclose, teach, or suggest an input device operable to receive a loan request

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through the communications network, a processor operable to utilize the connection element to communicate the terms of the loan to the customer and receive confirmation of a customer's understanding and acceptance of the terms of the loan, and to execute the combination of code segments and access the database to approve the loan request such that human involvement is not required to approve the loan request, and a transfer device operable to immediately deposit a loan amount into an account, accessible by the customer, and automatically withdraw the loan amount and a loan fee from the account when additional funds are deposited into the account, as recited in claim 28. As a result, Applicant respectfully submits that claims 17 and 28 are not anticipated or rendered obvious by Foss, Kriplani, or the combination of the two."

Response: See response to (D) above.

In view of the combined teachings of Foss, Stump, Kriplani, Greer and Sinnott, the rejections under 35 U.S.C. § 103(a) are maintained.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY JOHNSON whose telephone number is (571)272-2025. The examiner can normally be reached on Monday - Friday, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ALEXANDER KALINOWSKI can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit 3691

GREGORY JOHNSON
Examiner, Art Unit 3691